

Improvements, to whom was referred

S. B. No. 22, A bill to be entitled "An Act to provide for the creation of conservation and reclamation districts within this State under and by virtue of the provisions of Section 59 of Article 16 of the State Constitution, to be known as levee improvement districts, for the purpose of reclaiming lands from overflow from rivers, creeks and streams, by systems of levees, drainage and other improvements, prescribing how such districts may be created; defining their rights, powers and privileges, and the manner of their exercise; constituting such districts when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such; providing for the construction, maintenance, and protection of works and improvements erected by them; making penal interference with or injury to their works or improvements, and fixing penalties and punishment to be imposed on persons offending those regards, as well as for building levees without lawful authority; granting to such districts the right of eminent domain, and the power to levy taxes and cause the same to be assessed and collected, and to issue bonds and create indebtedness to raise funds for the objects of their creation, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

JOHNSON of Hall,
Chairman.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, March 11, 1918.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

By unanimous consent, and on request of Senator Westbrook, the Senate stood at ease for fifteen minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Clark.	McNealus.
Collins.	Page.
Dean.	Robbins.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.

Absent.

Caldwell.	Parr.
Gibson.	Woodward.

Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.
Lattimore.	

Prayer by the Chaplain.

Pending the reading of the Journal of Friday, the same was dispensed with on motion of Senator Johnson of Hall.

Excused.

Senator Dayton was excused for today on account of sickness, on motion of Senator Johnson of Hall.

Senator Lattimore for today on account of important business on motion of Senator Johnson of Hall.

Senator McCollum for this week on account of important business on motion of Senator Bee.

Petitions and Memorials.

Senator Bailey obtained recognition to file some petitions relating to amendment of the election laws of the State.

Senator McNealus made the point of order that the petitions are not receivable for the reason that they do not relate to any matter pending before the Legislature.

The Chair overruled the point of order holding that the right of petition is guaranteed under the Constitution of the State.

See Appendix for statement of petitions offered.

Committee Reports.

See Appendix for standing committee reports.

Bills Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read the following bills:

H. B. No. 13, A bill to be entitled "An Act to prohibit the purchase or procuring for, or the sale, gift or delivery to any person engaged or enlisted in the military or naval forces of the United States, of any spirituous, vinous, or malt liquors, or medicated bitters capable of producing intoxication; prescribing a penalty for the violation of this Act; and declaring an emergency."

H. B. No. 18, A bill to be entitled "An Act authorizing counties acting through their commissioners courts, to purchase seed to be planted on farms in such counties by residents thereof who are poor and unable to procure same and to purchase feed for the work stock of such residents, and prescribing the terms and conditions, rules and regulations, etc. and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act to establish Common School District No. 19 in Dickens County, Texas, etc., and declaring an emergency."

H. B. No. 34, A bill to be entitled "An Act to amend Chapter 4, of the Laws of the Regular Session of the Thirty-third Legislature, so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas; declaring what counties shall compose same; attaching the unorganized counties of Hockley and Cochran to the county of Lubbock for judicial and all other purposes, making process issued or served before this Act takes effect, including recognizance and bonds returnable to the terms of court as herein fixed, and from all grand and petit juries drawn to be returnable to the corresponding weeks of the terms as herein defined, and declaring an emergency."

Bills and Resolutions.

By Senator Westbrook et al.:

S. B. No. 31, A bill to be entitled "An Act to create a State Board, to be known as the State Board of Con-

trol, providing that the board shall be composed of three citizens of the State, and the method of their appointment, defining the method of qualifying such officers, fixing their terms of office and compensation; defining the duties and conferring authority on the board; prescribing in what manner the board may administer its department and fixing the qualifications and status of certain officers and employes to be appointed by the board in administering its affairs; abolishing certain offices and consolidating various departments of the government and placing the administering thereof under the State Board of Control, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator McNealus:

S. B. No. 32, A bill to be entitled "An Act to amend Article 921, Chapter 5, Title 22, of the Revised Civil Statutes of Texas relating to appeals from the corporation courts and adding thereto Article 921a, providing that in cities of ninety thousand population or over, incorporated under special charters and situated in counties containing one hundred and twenty-five thousand population or over, for appeals from the corporation courts to the Court of Criminal Appeals of Texas, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Buchanan of Scurry:

S. B. No. 33, A bill to be entitled "An Act to amend Articles 5396 and 5397, Revised Civil Statutes of 1911, relating to the discovery and sale of excess acreage in school surveys and their alternate private surveys, and to include the discovery and sale of excess acreage in patented alternate surveys and in surveys located by virtue of certificates issued for the construction of railroads and other works, whether such did or did not obligate the owner to locate a like amount of land for the State or school fund; and all surveys and blocks of surveys located by virtue of certificates for land issued to individuals which required the location of a like amount for the State or school fund, and in surveys sold under the fifty cent Act of July 14,

1879, Chapter 52, and the amendment thereto of March 11, 1881, Chapter 33, and to add thereto Article 5397a; and to repeal Articles 5399 and 5400, Revised Civil Statutes, 1911, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Buchanan of Scurry:

S. B. No. 34, A bill to be entitled "An Act to create a board of examiners of land surveyors that shall serve without pay, and prescribing their duties; prescribing the subjects in which the applicants for land surveyor's license shall be examined; providing for the issuance of land surveyor's license to graduates of the engineering department of the State University and the Agricultural and Mechanical College without examination; providing for the revocation of land surveyor's license for certain causes and allowing appeals therefrom; providing for the bonding of licensed land surveyors; prescribing the duties of licensed land surveyors and qualifications of county surveyors and fixing their jurisdiction and fixing compensation of licensed land surveyors; prohibiting others than licensed land surveyors from performing the duties of land surveyors; prohibiting licensed land surveyors from purchasing or being interested in the purchase of or title to any public land; prescribing penalty for the violation of this Act; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Buchanan of Scurry:

S. B. No. 35, A bill to be entitled "An Act to amend Sections 3, 16 and 19 of Chapter 83 of an Act approved March 16, 1917, relating to the development of minerals in public lands by requiring applications to be filed in the General Land Office instead of with the county clerk and providing that permits shall be issued to the one who makes the highest cash offer for the area in addition to the one-eighth royalty, and providing for the employment of a mineral inspector and making an ap-

propriation therefor, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Buchanan of Scurry:

S. B. No. 36, A bill to be entitled "An Act to amend Article 5376, Revised Civil Statutes of 1911, and to repeal Article 5379 of the same statute, both relating to the delivery of patents, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Buchanan of Scurry:

S. B. No. 37, A bill to be entitled "An Act to amend Article 3842, Revised Civil Statutes of 1911, relating to fees chargeable by the General Land Office of Texas."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Buchanan of Scurry:

S. B. No. 38, A bill to be entitled "An Act to provide for the sale, lease, transfer, patenting and forfeiture of the land belonging to the public free school fund, the Lunatic Asylum, the Blind Asylum fund, the Deaf and Dumb Asylum fund, the Orphan Asylum fund and the State University fund, by amending Section 1 of Chapter 150 of an Act approved April 5, 1916, and amending Articles 5407, 5408, 5410, 5432 and 5436 of the Revised Civil Statutes of 1911, relating to the sale of public school and asylum lands and to repeal Article 5435, Revised Civil Statutes of 1911, relating to the transfer of school and asylum lands and to repeal Articles 2633 and 2634, Revised Civil Statutes of 1911, relating to the control of the University lands and the minerals therein and providing for a survey of the unsurveyed University land, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator McNealus et al:

S. B. No. 39, A bill to be entitled "An Act for the protection of the health, safety and comfort of employes in factories, mills, workshops, mercantile establishments,

laundries or other establishments where women are employed, providing for the proper temperature and ventilation for the protection of the health of employes, requiring the removal of gas, affluvia or odors from places where employes are required to work and means to allay dust injurious to the health of persons employed, prohibiting decomposed or putrescent matter or refuse of any kind to be allowed to remain in or around such place of employment, providing for cleaning, sweeping and dusting outside of working hours, requiring doors used by employes as entrances and exits to open outward, prescribing the number of water closets, earth closets or privies to be supplied and requiring separate closets or privies for males and females, requiring such closets or privies to be kept clean and effectively disinfected and ventilated, authorizing the Commissioner of Labor Statistics or any of his deputies or inspectors to enter any factory, mill, workshop, mercantile establishment, laundry or other establishment for making inspection and enforcing the provisions of the Act, authorizing the said commissioner, his deputies or inspectors to issue an order for the correction of unsanitary or immoral conditions or neglect to remove fumes and gases injurious to employes where females are employed; in case of failure or refusal on the part of owner, superintendent, manager or other person in control or management of such establishment giving the Commissioner of Labor Statistics or his deputies or inspectors power to close such establishment or any part of it until such time as said orders are complied with, providing how such powers may be exercised and providing a method for testing the validity, etc., of such orders, fixing penalties for violation of provisions of this Act and declaring an emergency."

Read first time and referred to Committee on Labor.

Morning call concluded.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, March 11, 1918.

Hon E. A. Decherd, President Pro Tem. of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

H. B. No. 26, A bill to be entitled "An Act to amend Chapter 67 of the Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, as amended by Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature and the same is hereby amended so that Sections 2, 3, 4 and 5 of said Chapter 31 shall be divided in seven sections, 2, 3, 4, 5, 5a, 5b and 5c, reading as shown below; also by amending Section 9 of Chapter 31, so that it will read as shown below; said sections as amended to be incorporated in and become a part of said Chapter 31."

H. B. No. 41, A bill to be entitled "An Act to provide for the teaching of lessons in patriotism in the public schools of this State, for the proper display of the United States flag in connection with every public school of the State, and directing the State Superintendent, county and city superintendents in the discharge of their duty relative thereto."

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair had referred, after their captions had been read, the following House bills:

H. B. No. 26, referred to the Committee on Criminal Jurisprudence.

H. B. No. 41, referred to the Committee on Educational Affairs.

Messages From the Governor.

Mr. S. Raymond Brooks here appeared at the bar of the Senate, with several executive messages, which were laid before the Senate and read, as follows:

Governor's Office,
Austin, Texas, March 8, 1918.
To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. W. H. Bledsoe, I submit for your consideration an Act creating and incorporating the Close City Independent School District in Garza County, Texas.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 8, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of the Commissioner of Agriculture, I submit for your consideration an Act making an additional appropriation for the support of the Department of Agriculture to pay expenses for nursery inspectors.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 11, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Senator J. C. McNealus, I submit for your consideration an Act to establish and create within the city of Dallas, Texas, a court to be styled and known as the "Corporation Court of the City of Dallas."

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 11, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. W. M. Fly, I submit for your consideration the following subject: "An Act amending Section 1, Chapter 91, of the General Laws passed by the Thirty-fourth Legislature at its regular session, requiring applicants for license to practice law under the provisions of said chapter to produce the proof of the existence of the same or similar statute in the State from which the applicant immigrates."

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 11, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

At the request of Hon. W. T. Williams of Brazoria County, I submit for your consideration the following subject: "An Act to amend Article 5700 of the Revised Civil Statutes of the State of Texas, so as to make

same apply to all suits based on fraud."

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 11, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

I beg to submit for the consideration of your honorable body the following subject:

Enactment of a law for the protection of the health, safety and comfort of employes in factories, mills, workshops, mercantile establishments, laundries or other establishments where women are employed.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 11, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

I beg to submit for your consideration the following subject:

That portion of the joint report of the Central Investigating Committee appointed by the Senate and House of Representatives of the Thirty-fifth Legislature, under the head of "Legislative Department," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Governor's Office," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Lieutenant Governor's Office," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Secretary of State's Office," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Comptroller's Department," and reference is hereby made, to the same as it appears in the report of said committee;

That portion of the report under the head of the "Treasury Department," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Land Office," and reference is hereby made to the same as it appears in the report of said committee.

That portion of the report under the head of "Attorney General's Department," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Assistant Attorney General," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "The Judiciary," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Trial Courts," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "Eleemosynary Institutions," and reference is hereby made to the same as it appears in the report of said committee;

That portion of the report under the head of "State Purchasing Agent," and reference is hereby made to the same as it appears in the report of said committee.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I beg to submit for your consideration the following subject:

"An Act authorizing the Board of Prison Commissioners to transfer to the general fund of the State an amount equal to that paid out since November 1, 1917, on account against the Prison Commissioners for which appropriations were made by the Thirty-fifth Legislature at the Regular Session and First Called Session; also to authorize the Board of Prison Commissioners to pay out of the funds of the prison system the second installment of these claims due and payable November 1, 1918.

The appropriation made by the Legislature at the First Called Session, was, as follows:

Appropriated, page 256,
First Called Session,
Due Nov. 1, 1917...\$ 46,612.23
Due Nov. 1, 1918...\$ 49,061.53

Total - - - - \$ 95,673.76

Appropriated, page 451,
Regular Session—
Principal\$554,533.18
Interest\$100,000.00

Total - - - - \$654,533.18

Total amount appropriated\$750,206.94

Amount paid—
Principal\$ 45,539.68
Principal\$277,193.18
Interest\$ 39,690.57

Total amount paid.....\$362,423.43
Balance unpaid\$387,783.51

The balance of \$387,783.51 represents amount due November 1, 1918.

It is, therefore, suggested that the Legislature authorize the Board of Prison Commissioners to transfer to the general fund of the State \$375,000.00, or so much thereof as may be necessary covering the amounts paid out since November 1, 1917, and the Commissioners be further authorized to pay those accounts which have been made payable by the Legislature on November 1, 1918.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of the State Council of Defense, I submit for your consideration the following subject: "An Act to make appropriation for the maintenance of the State Council of Defense and the payment of the secretary thereof and his assistants, traveling expenses and other necessary expenses to be incurred by the State Council of Defense including clerk hire."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of the State Council of Defense, I submit for your consideration the following subject: "An Act to amend Section 4, Chapter 8, General Laws of the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a State Council of Defense, defining its powers and duties, making an appropriation to carry on the work of said Council of Defense.'"

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. R. E. Thomason of El Paso, I submit the following subject for your consideration: "An Act to amend Chapter 93, of the Acts of the Thirty-fifth Legislature, approved by the Governor, March 26, 1917, and being, 'An Act creating the El Paso County Court at Law, to fix and prescribe the jurisdiction thereof, and to conform to such change in the jurisdiction of the County Court of El Paso County, fixing the salaries of the judges of the County Court of El Paso County, and of the El Paso County Court of Law.'"

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I submit for your consideration the following subject: The enactment of a law or laws authorizing such appropriation as may be necessary to enable the State to make refund for canceled liquor licenses.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of the Board of Trustees of the Texas Deaf and Dumb and Blind Institute for col-

ored youths, I submit for your consideration the subject of additional appropriation for the support and maintenance of that institution.

I accompany this message with a letter from the president of the board of trustees and from the superintendent of the Texas Deaf and Dumb and Blind Institute.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Texas Deaf and Dumb and Blind Institute for Colored Youths.

Austin, Texas, March 8, 1918.

Governor W. P. Hobby, Capitol Station, Austin, Texas.

Dear Sir: In view of the great increase in price of nearly all commodities or necessities of life since our estimate budget was made up in November, 1917, and filed with the Comptroller for legislative enactment by the Thirty-fifth Legislature, it is now evident that the support and maintenance, the dry goods and stationery, stamps, and printing appropriations, made by the Legislature for the Deaf, Dumb and Blind Institute for Colored Youths for the year beginning September 1, 1918, and ending August 31, 1919, are inadequate and insufficient. This is no fault of the Legislature, however, but is due to the fact that the superintendent and board of managers of the institution were unable to foresee at the time of making the estimates that the price of goods would advance 100 to 125 per cent in 12 or 18 months.

Since the above is true, Governor, and since we know the struggle that we are now having to make ends meet for the present year, we are beseeching your honor to submit to the present special called session of the Legislature a message or request to grant us the following supplemental or emergency appropriations for the year beginning September 1, 1918, and ending August 31, 1919, to wit:

For support and maintenance, not otherwise provided for.....	\$3,500.00
For dry goods and clothing	2,000.00
For stationery, stamps and printing.....	50.00
Total - - - -	\$5,550.00

Believe us, Governor, that we are using the strictest economy possible with 158 students to clothe and 192 persons to feed.

Very respectfully,
E. D. MILLER,
President Board of Trustees.
ED SCHUTZE,
Vice President.
R. E. L. HOLLAND,
Superintendent.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

I beg to submit for your consideration the following subject: The enactment of a law or laws to enable county and State health officials to more adequately deal with the control of venereal diseases.

Accompanying this message, I submit for your consideration a letter from Major W. A. Sawyer, and Lieutenant G. J. Anderson, representing the Fosdick Commission on Training Camp Activities, and making suggestion of adequate laws to accomplish the object sought.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

War Department.

Commission on Training Camp Activities.

Houston, Texas, March 9, 1918.

Hon. W. P. Hobby, Governor of Texas, Austin, Texas.

Dear Sir: In accordance with your suggestion we have conferred with members of both houses of the Legislature and have explained to them the measures which are necessary if the State of Texas is to cooperate with the army to the fullest degree in protecting soldiers against venereal disease and other damage due to vice. Certain measures are submitted which would meet the War Department program as outlined in the recent communication from Secretary Baker to you. These include the following five measures:

1. A statute providing for the control of venereal diseases by the health authorities.

2. A statute creating a bureau of venereal diseases to enforce the above statute and providing for the support of the same.

3. The amendment of the present injunction and abatement law to strengthen its effectiveness in the suppression of the commercialized vice institution instead of a fine for women convicted of prostitution.

5. A statute committing the expeditious removal of any municipal or county official who neglects or refuses to enforce the law.

In addition to the above the Secretary of War recommended in his letter the establishment of reformatories and institutions for the feeble minded. We understand that these measures are under consideration at the present time in Washington by a delegation from Texas. The measures above numerated are considered urgent.

In behalf of the War Department, we wish to express our appreciation of your cooperation with the army and of the courtesies extended to us by yourself and members of both houses of the Legislature.

Respectfully yours,
W. A. SAWYER,
Major M. R. C.,
Representing Surgeon General
Gorgas.

G. J. ANDERSON,
First Lieutenant Sanitary Corps,
Representing War Department Commission.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

At the request of Hon. R. M. Dudley of El Paso, I submit for your consideration the following subject: "An Act to make appropriation for deficiency in appropriations heretofore made to pay salary of Hon. W. D. Howe as special judge of the Thirty-fourth Judicial District Court in El Paso County, Texas, in the sum of one hundred fourteen dollars ninety-four cents. (\$114.94.)"

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Senate Bill No. 10.

The Chair laid before the Senate as special order and on second reading:

S. B. No. 10, A bill to be entitled "An Act authorizing the creation and

establishment of water control and preservation districts for the control and preservation of the purity of the waters of rivers, creeks, bayous, lakes, canals, streams or other waters, for irrigation or in aid thereof, by the prevention of the inflow of salt water or other deleterious substances; the changing of said waters from salt to fresh water and the impounding of fresh water; empowering such districts to erect, construct, maintain, repair and reconstruct dams, bulkheads, jetties, locks, gates or any other character of improvements necessary to the accomplishment of said purposes, or any of them; creating boards of water control and preservation where the lands embraced in such districts lie in two or more counties, or parts of counties, and defining the powers of such boards of water control and preservation; providing for the method of establishment of such districts; authorizing the ordering and holding of elections for the purpose of voting on the establishment of such districts, and the issuance of bonds and levy of tax in payment for such improvements and the levying and collecting of taxes for payment of such bonds, and interest thereon, etc., and declaring an emergency."

On motion of Senator Collins the bill was laid on the table subject to call.

Senate Bill No. 26—Set as Special Order.

By unanimous consent and on request of Senator Bee, Senate Bill No. 26 was set as a special order to follow immediately after the consideration of Senate Bill No. 22 which is set for Tuesday at the conclusion of the morning call.

Senate Bill No. 24.

The Chair laid before the Senate on second reading:

S. B. No. 24, A bill to be entitled "An Act to amend Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, prohibiting overlapping road districts and requiring the commissioners courts in case one road district conflicts with or overlaps another road district, to

pass an order correctly redefining it, etc., and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Suiter, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 24 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Gibson.
Bailey.	Hall.
Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	McNealus.
Collins.	Page.
Dean.	Robbins.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	

Absent.

Bee.	Smith.
Hopkins.	Westbrook.
Parr.	Woodward.

Absent—Excused.

Dayton.	Lattimore.
Hudspeth.	McCollum.

The bill was laid before the Senate, read third time and, on motion of Senator Suiter, was passed by the following vote:

Yeas—21.

Alderdice.	Gibson
Bailey.	Hall.
Bee.	Henderson.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	McNealus.
Collins.	Page.
Dean.	Robbins.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	

Absent.

Buchanan of Scurry.	Smith.
Hopkins.	Westbrook.
Parr.	Woodward.

Absent—Excused.

Dayton.	Lattimore.
Hudspeth.	McCollum.

Recess.

At 11:20 o'clock a. m. the Senate, on motion of Senator Gibson, recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd.

Bills and Resolutions.

(By unanimous consent.)

By Senator Alderdice et al.:

S. B. No. 40, A bill to be entitled "An Act abolishing the office of Commissioner of Pensions, conferring all powers heretofore exercised by the Commissioner of Pensions under any existing laws of this State, upon the Comptroller of Public Accounts and annulling and repealing all appropriations for the Pension Department for the years 1918 and 1919, save and except the salary of the chief clerk of said department, in the sum of \$1500 per annum, which said appropriation shall be available for the use of the Comptroller of Public Accounts in the administration of the Pension Laws of this State, repealing all laws in conflict therewith, and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Hudspeth:

S. B. No. 41, A bill to be entitled "An Act to amend Chapter 93 of the Acts of the Thirty-fifth Legislature, approved by the Governor March 26, 1917, and being "An Act creating the El Paso County Court at Law, to fix and prescribe the jurisdiction thereof, and to conform to such change in the jurisdiction of the county court of El Paso County, fixing the salaries of the judges of the county court of El Paso county, and of the El Paso County Court at Law; and declaring an emergency."

Read first time and referred to the Committee on Judicial Districts.

By Senator Buchanan of Scurry:

S. B. No. 42, A bill to be entitled "An Act to authorize the commissioners court to purchase poisons and

other accessories for the purpose of destroying prairie dogs, rats, cayotes, wolves, wild cats, gophers, ground squirrels, English sparrows and ravens; giving the commissioners court the authority to sell at cost or give such poisons to all persons residing in the county, to be used for such purpose and providing for procedure for the distribution and use of such poisons, and creating an emergency."

Read first time and referred to the Committee on Agricultural Affairs.

By Senator Caldwell:

S. B. No. 43, A bill to be entitled "An Act to make appropriation for the maintenance of the State Council of Defense and the payment of the secretary thereof and his assistants, traveling expenses and other necessary expenses to be incurred by the State Council of Defense including clerk hire, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Caldwell:

S. B. No. 44, A bill to be entitled "An Act to amend Section 4, Chapter 8, General Laws of the First Called Session of the Thirty-fifth Legislature of the State of Texas, entitled 'An Act to create a State Council of Defense, defining its powers and duties, making an appropriation to carry on the work of said Council of Defense and declaring an emergency,' so as to provide that no member of the Council shall ever be paid any salary or per diem for his services, except the secretary and assistant secretary who may be members of the Council, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Bee:

S. B. No. 45, A bill to be entitled "An Act amending Section 1, Chapter 91 of the General Laws passed by the Thirty-fourth Legislature at its regular session requiring applicants for license to practice law under the provisions of said chapter to produce the proof of the existence of the same or similar statute in the State from which the applicant immigrates; validating all license issued by the Clerk of the Supreme Court under the provisions of said

Chapter 91, passed by the Thirty-fourth Legislature, prior to the passage of this Act, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

Simple Resolution No. 31.

(By unanimous consent.)

Whereas, There is now pending in the Senate of the United States a bill known as Senate Bill Seven Hundred and Fifty-eight (758) by Senator Chamberlain, and in the House of Representatives, known as House Bill 9406; the purpose of said bill is for the reclamation of arid lands in the United States by the issuing of local bonds by reclamation districts organized under said bill, and the substitution of said bonds by the Federal Government for United States bonds, and

Whereas, The enactment of this legislation would place at least a million acres of now arid land under irrigation in Texas, and

Whereas, This is a war measure pure and absolute in the way of increased production of foodstuffs; and

Whereas, An increased production is earnestly desired by every patriotic Texan, as well as every true American in this Republic; therefore be it

Resolved, that the Secretary of the Senate transmit this resolution to every member of the Texas delegation in Washington, and that it is the expressed desire of the Senate that the Texas delegation vote and urgently support said measure.

HUDSPETH.

The resolution was read and adopted.

House Concurrent Resolution No. 5.

The Chair laid before the Senate: H. C. R. No. 5, Relating to meeting of National and State Councils of Defense at Dallas, March 12, 1918.

Whereas, Under the direction of the National Council of Defense, which reflects the aims of the National Administration to promote universal co-operation of all the people in the war work of the nation, a meeting of the National Council of

Defense and of the State Council of Defense and other organizations actively identified with the work of mobilizing the resources and labors of the people of Texas in behalf of winning the war, is to be held in Dallas on Tuesday, March 12, 1918; and

Whereas, The importance of the work to be considered at this meeting, and its patriotic nature, render it one which the Legislature of Texas should accord recognition; therefore, be it

Resolved by the House of Representatives, the Senate concurring, that a committee of five members, three from the House, to be appointed by the Speaker of the House, and two from the Senate, to be appointed by the President of the Senate, be authorized to attend the said meeting of the National and State Councils of Defense and convey to the officers and members of those bodies assembled in such meeting the assurances of encouragement, commendation and support in the great work these voluntary organizations are performing in the interest of the successful prosecution of the war.

The resolution was read and on motion of Senator McNealus the same was adopted.

Pursuant to the foregoing resolution, the Chair appointed Senators McNealus and Johnston of Harris as the committee on the part of the Senate to attend the meeting as therein stated.

At Ease.

By unanimous consent and on request of Senator Westbrook the Senate stood at ease for thirty minutes.

In the Senate.

(President Pro Tem. Decherd in the Chair).

Senate Bill No. 23.

The Chair laid before the Senate on second reading:

S. B. No. 23, A bill to be entitled "An Act to amend Section 15 of Chapter 5 of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas, which Act was entitled 'An Act re-

gulating the business of co-operative savings and contract loan companies,' so that hereafter such companies may invest their funds in mortgages which shall be a first lien on real estate located in any State of the United States of America, and further permitting such companies to invest their funds in Liberty Bonds and other certificates of indebtedness which have or may hereafter be authorized by the United States Congress; and declaring an emergency."

Senator Buchanan of Bell offered the following amendment, which was read and adopted:

(1) Amend Senate Bill No. 23 by striking out the words "in any State of the United States of America not to exceed eighty per cent" in lines 22 and 23 and insert in lieu thereof the words "this State and not to exceed sixty per cent of" and amend the caption to conform.

Senator Bailey offered the following amendment which was read and adopted:

(2) Amend Senate Bill No. 23 by striking out in line 29, page 1, the word "eighty" and inserting in lieu thereof the words "sixty-five," and amend the caption so as to conform to this and other amendments that have been adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 23 put on its third reading and final passage by the following vote:

Yeas 24.

Alderdice.	Hall.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.

Absent.

Clark.	Woodward.
Parr.	

Absent—Excused.

Dayton.	McCollum.
Lattimore.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—21.

Alderdice.	Hall.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Faust.	Westbrook.
Gibson.	

Nays—3.

Floyd.	Sulter.
Strickland.	

Absent.

Clark.	Woodward.
Parr.	

Absent—Excused.

Dayton.	McCollum.
Lattimore.	Smith.

Senator McNealus moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 9—Free Conference Committee Report.

The Chair laid before the Senate the following:

Committee Room.

Austin, Texas, March 11, 1918.

Hon. F. O. Fuller Speaker of the House of Representatives.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Gentlemen: Your Free Conference Committee appointed to adjust the difference between the Senate and the House on the amendments by the Senate and rejected by the House, on House Bill No. 9, being "An Act to prevent and prohibit in time of war the sale, barter or exchange of spirituous, vinous and

malt liquors or medicated bitters capable of producing intoxication, within ten miles of any fort, arsenal, training camp, cantonment, aviation field or school where soldiers, sailors, marines or aviators are being quartered, held or trained, or where ships are being built under contract with the government of the United States in time of war in any branch of the army or navy of the United States; to prevent and prohibit the transportation of such liquors into such territory; to provide against application for suspended sentence in such cases; to prohibit the issuance of license in such territory; to provide suitable punishments in such cases, and declaring an emergency," beg leave to report:

That your said committee has adopted the amendments of the Senate, the most important of which is changing the date on which the said Act becomes effective from April 1st to April 15th, 1918.

In addition to accepting the Senate amendments the following amendments were offered in the committee and adopted by it, to wit:

"Committee Amendment No. 1, Section 6: The Attorney General is hereby authorized to enjoin the sale of spirituous, vinous or malt liquors capable of producing intoxication, in violation of this Act, or any conduct in violation of this Act, and suit therefor may be maintained in the name of the State of Texas in Travis County, Texas, and the district or county attorney of any county wherein any sale of such liquors are made in violation of any term of this Act, or any conduct in violation of this Act, is hereby authorized to maintain, in the proper court of said county, or in Travis County, Texas, suit in the name of the State to enjoin and prevent such sale or other violation of this Act."

"Committee Amendment No. 2: Change Section No. 6 of the original bill to read No. 7; No. 7 to read No. 8 and No. 8 to read No. 9."

"Committee Amendment No. 3: Amend the caption of House Bill No. 9 by adding after words 'to prohibit the issuance of liquor licenses in such territory,' the following: Authorizing and empowering the Attorney General to enjoin the sale of liquors prohibited by this Act, or any conduct in violation of said Act, and

authorizing the district or county attorney of the county where the violations occur to maintain suit in the name of the State to enjoin and prevent the sale of such liquors or the violations of this Act."

"Committee Amendment No. 4: Amend Section 3a of Senate Amendment No. 8, by adding after the words 'and every month thereafter, file' the words 'a duplicate of.'"

HENDERSON,

BEE,

DEAN,

BUCHANAN of Bell,

On the Part of the Senate.

SPENCER,

COPE,

THOMASON of El Paso,

VEATCH,

MENDELL,

On the Part of the House.

I voted against Senate Amendment changing date of April 15; I was in favor of April 1.

VEATCH.

I do not agree with the majority of the conferees in accepting the Senate Amendment changing the date of taking effect of this Act from April 1st to April 15th. In this hour of our nation's stress the success of our army should be our first thought and aim. The protection of our soldiers is demanded and should not be delayed. I favor the adoption of the other amendments.

COPE.

BUCHANAN of Bell.

The foregoing report was read and, on motion of Senator Dean, the same was adopted by the following vote:

Yeas 23.

Alderdice.	Henderson.
Balley.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Absent.

Buchanan of Scurry. Smith.

Clark.

Woodward.

Parr.

Absent—Excused.

Dayton.
Lattimore.

McCollum.

Messages from the Governor.

Several executive messages were at this time presented by Mr. Brooks from the Governor's office. The messages were laid before the Senate and read as follows:

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

At the request of Messrs. Jones and Dodd, I submit for your consideration an Act to amend House Bill No. 820, which is chapter 137 of the local and special laws passed at the Regular Session of the Thirty-fifth Legislature, approved March 28, 1917, creating a more efficient road system for Bowie County, Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 11, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration the following subject:

To enact a law to provide for the creation of corporations to prevent the pollution of streams, and to that end empowering such corporations to gather, impound and store water containing salt or other substances produced in the drilling or operation of oil wells or other wells; and authorizing such corporations to charge reasonable rates for service; and prohibiting discrimination between patrons; and conferring upon such corporations the power of condemnation of necessary land and rights; authorizing corporations interested in the proper disposition of such waters to subscribe for, own and vote stock in corporations created thereunder; and declaring an emergency.

The unusual deficiency in rainfall has lessened the flow of water in the streams, particularly in the southeastern part of the State, used for the irrigation of rice and other crops. As previous experience has shown, the result will be that salt

water will come from the gulf and fill these streams with water, so impregnated with salt as to render it unfit for use in irrigation. You have before you now a bill to remedy this situation.

In addition to this salt water which will come up from the gulf, there is another difficulty to the successful raising of rice or other crops by means of irrigation. This difficulty arises from the fact that within the watersheds of these streams so used for irrigation there are oil wells and other wells that produce large quantities of salt water. As to oil wells, it is impossible to produce the oil and not raise the salt water also to the surface, and this salt water, unless impounded, finds its way into the streams so used for irrigation.

Of course, the raising of crops by irrigation, particularly of rice, is always of great importance to our people. At this time, because of the war, it is more essential. In like manner the production of petroleum must not be interfered with, especially at this time, because of the great demand for fuel oil to operate the light fleets of our own navy and those of our allies, and for the gasoline essential for motor truck and airplane service. I think you will agree that the State should do anything in its power to remove any obstruction to the successful conduct of both of these industries.

The owners and operators of such wells have spent and are now spending large sums of money in attempting to prevent the flow into the streams of the salt water so produced in the operation of their wells, but neither these individuals nor such corporations have the power to condemn lands for reservoirs, ditches and canals so as to provide the requisite systems for the impounding of the salt water so produced, and they meet with much difficulty in obtaining the lands and rights of way necessary for that purpose. In my judgment, they should be aided in their efforts to install such systems, by being permitted to create corporations for that purpose and to have the power to condemn the requisite lands and rights, of

course, paying therefor just compensation.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 8, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session:

Gentlemen: I submit for your consideration the subject of an additional appropriation to build a quarantine station at Sabine Pass. An appropriation of \$65,000 was made by the Legislature, and after advertising for plans and bids to build the station and the contract was awarded, it was ascertained that the proposed foundation would not serve the purpose.

Application was made to me for authorization of a deficiency warrant of more than \$18,000 to meet the necessary additional expense. I declined to authorize this deficiency and made settlement for the work done, under authority of the legislative Act, by paying 10 per cent of the contract price for the building. An agreement was entered into at the same time that if before April 1st it be the desire of the Legislature to make the additional appropriation for the foundation, the contractor would carry out the contract on the original cost basis and the amount paid would be applied on the same.

I am accompanying this message with a letter from Dr. W. B. Collins, State Health Officer, who conducted the negotiations to erect the building, and which communication is self-explanatory and is submitted for your consideration.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

(Copy.)

February 25, 1918.

To His Excellency, Governor W. P. Hobby, Austin, Texas.

Dear Governor: In obedience to your request I am giving you the history of the appropriation to build a quarantine station at Sabine Pass, also reasons for failure to build same at present. In the first place, a committee of engineers were selected by the Texas State Board of Health and Port Arthur Board of Trade to

get up data as to the importance of Sabine Pass as a shipping point, to pass on the foundation for a station and recommend to the Thirty-fifth Legislature the passage of a bill carrying an appropriation adequate to build this station. The plan and request for an appropriation contemplated a modern fire and storm proof edifice, erected near the deep water channel at Sabine Pass. This building was to provide means of quarantining all persons subject to quarantine and treat all ships and their contents, disinfecting baggage of persons coming from infected ports. In a word, make safe all ships, passengers, freight and baggage which might come from any infected port or place, and go to either Sabine, Port Arthur, Port Neches, Beaumont or Orange. One station to provide all these ports. The Legislature appropriated \$65,000 for this purpose. I immediately secured a permit from the United States Government to build this station; advertised for plans and bids to build the station; made a contract to build same, but upon investigation it was found that the foundation would not do at all to put a building on of this kind. It would take approximately \$18,000 more money than the Legislature had appropriated to drive piles every four feet, fifty feet deep, put a concrete cap on them with girders to hold them together which would support the building. To be more concise, an artificial foundation would have to be made costing approximately the above amount in addition to the sum appropriated by the Legislature.

You will remember that the contractor and myself called on you and discussed the advisability and legality of issuing a deficiency warrant to cover the amount required to do this additional work. The additional work, you will remember, also included dredging a slip from the deep water channel to the house, and curbing a boat well under the house near the wharf which would be required for landing people going to and from the station. Your conclusion was, if I remember correctly, that a deficiency warrant could not be issued for this purpose. At any rate, you preferred to wait and let the Legislature act with all facts before it.

Messrs. Kroeger & Weston, the contractors, claimed that they were damaged in not being allowed to go on and build the house, but agreed to complete their contract, upon the payment of 10 per cent of the contract price, after a period of ninety days. The 10 per cent paid them as damages by yourself for the State was to be credited on the contract price, provided the Legislature appropriated the amount necessary to complete the building, and allowing them to begin their work within ninety days. To be brief, they would carry out the original terms of their contract, giving the State ninety days through the Legislature to appropriate the supplemental funds, letting the 10 per cent paid by the State as damages for forfeiture of contract to be applied as a credit on the building, if provided for by the Legislature and work begun within ninety days from the time this sum was paid.

I am giving you these details in order that you may request the Legislature to appropriate this sum so that we may go ahead and complete this station, which I think very important. Sabine is now one of the most important ports on the Gulf Coast, being the gateway to all of the above stations, and since the beginning of the war there has been a large shipyard erected at Beaumont, which has increased the tonnage shipped to and from the port very materially. Furthermore, the amount paid the contractors and drawer of the plans will be clear loss to the State unless provision is made to complete the station. This is an item to be considered. The plumbing and lighting contractors have also begun to want damages for failure to be allowed to comply with their contracts on this building. I do not know what sum they will ask, but they have indicated that they will want some damages.

In my judgment it would be wise to ask the Legislature to make this appropriation. However, I am merely stating this in an advisory way, and not in a spirit of dictation. I leave this to your good judgment.

Hoping I have given you sufficient detail upon which to form a correct and businesslike conclusion,

I am, with kindest personal regards and best wishes,

Yours very truly and obediently,
(Signed) W. B. COLLINS,
State Health Officer.

(Copy.)

Austin, Texas, Dec. 20, 1917.

Hon. W. P. Hobby, Governor of Texas,

Austin, Texas.

My Dear Sir: We hereby beg to confirm mutual agreement reached relative to cancellation of a contract entered into between the State of Texas and our firm on the 24th day of August, 1917, for the erection of a quarantine station at Sabine Pass, Texas, said agreement being as follows, to wit:

We to be allowed reimbursement for amount already expended thereunder. to wit: The amount of \$1,000 and the additional amount of \$4,790, the same being 10 per cent of the remainder of the total estimate of cost of construction, the total amount being \$5,790 to be paid to us.

It is further understood and agreed, and we hereby bind and obligate ourselves, that in the event the necessary amount for constructing the proper foundation is raised and placed at our disposal (the amount not having been provided for in the appropriation, and being about \$11,000), we will re-enter into the same contract with the State of Texas for the construction of this quarantine station, within a period of ninety days, and allow the said amount of \$5,790 to be a credit on said contract price.

Witness our hands this the 20th day of December, A. D. 1917.

(Signed)

WESTON & KROEGER,
By W. B. Kroger,
Member of the Firm.

Approved:

W. P. HOBBY,
Governor of Texas.

Governor's Office,
Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

I submit for your consideration a financial statement of the State Prison System at the close of business February 28, 1918. I have also col-

lected data pertaining to the various farms operated as a part of the State Prison System, which is submitted for such reference as the members of the Legislature may wish to make of it.

That it is better business policy for the State to own the lands being farmed by the State and on which the convicts are worked can not be successfully denied. The amounts annually paid for rent will in a few years purchase the land, and the State will profit to that extent. But a more important reason for the State to own these lands is because the State has a freer hand in providing better surroundings and better working conditions when the property is owned rather than rented by the State. The housing facilities and the sanitary and physical surroundings should be in keeping with the best method of affording humane treatment and comfortable quarters to the prison inmates, and ownership of the property they work will make that easier of accomplishment.

In my judgment, the Prison Commissioners should, as the finances of the System permit, exercise all of the options to purchase those farms under lease.

In the prison law which became effective in January, 1911, one of the principal changes affecting the operation of the State penitentiaries arose from the provisions of the law requiring the working of the prison population on State properties and on State account, the statute declaring this to be the established policy of the State in the operation of its Prison System. This law, in all substantial particulars, remains in force to-day.

The Legislature, by the enactment of the statute referred to, authorized the Prison Commission, with the Governor's approval, to acquire by purchase such farming lands as might be necessary for the employment of all convicts not worked in the prison factories or otherwise. The action of the Legislature in passing this law seems to have been the culmination of a general trend in that direction through several successive periods in the history of the State penitentiaries.

As but a limited number of prisoners could be accommodated or ad-

vantageously worked in the two walled prisons at Huntsville and Rusk the great majority of the prisoners have at all times been used in the farming operations. As the Prison System in 1911 did not own a sufficient acreage of farm lands for the employment of all the prisoners available for that class of work and did not at that time possess funds for the purchase of any land the Prison Commission resorted to the course of entering into a number of lease contracts in order to acquire the additional acreage needed, all of these leases granting to the Commission an option to purchase the lands at any time during the life of the lease at the agreed price stated therein.

The first farm purchased by the Prison System was the Harlem State Farm in Fort Bend County in the year 1887 and several additional farms and tracts of land have been purchased since. On January 1, 1917, the System owned a total acreage of 56,017 acres, of which 31,640 acres were in cultivation. The tracts of land under lease on January 1, 1917, containing 22,834 acres in cultivation of a total acreage of 34,191.

Detailed statements of the land owned and under lease at the present time are attached and made a part of this message. The financial success of the System for the year 1917 placed sufficient means at the disposal of the Commission and the Governor enabling them to purchase additional bodies of land for the State and it was considered advisable and expedient to do so, not only with the view of complying with the intent and provisions of the law, but as a sound business policy for the State as well, it appearing that the price at which the property could be bought and the terms on which payment could be met in any average year by the amount it would be necessary to pay the owner of the land as rent should the State continue to lease the property. Consequently, in accordance with the terms of contracts entered into in December, 1917, and January, 1918, the following tracts of land have been purchased and duly conveyed to the State, to wit:

1. The Retrieve Plantation, Brazoria County, Texas, containing 7424.4 acres of land, conveyed by T.

Martin to the Prison Commission by deed dated February 1, 1918, for a total consideration of \$320,879.60, at the rate of \$50 per acre for the land in cultivable condition, and \$40 per acre for the timbered land and land not at present in a state of cultivation; terms of payment \$125,879.60 cash, balance in six equal annual installments, the first installment falling due January 1, 1920; the deferred payments bearing five per cent interest payable annually.

2. The Masterson Plantation, Brazoria County, Texas, containing 3900 acres of land, conveyed by Branch T. Masterson to the Prison Commission by deed dated December 31, 1917, for a total consideration of \$136,500 at the rate of \$35 per acre; terms of payment \$50,000 cash, balance in ten equal annual installments, the first installment falling due December 31, 1918; the deferred payments bearing six per cent interest payable annually.

3. The Jackson Place, in Brazoria County, Texas, containing 3377.99 acres of land, conveyed by Bassett Blakely to the Prison Commission by deed dated January 1, 1918, for a total consideration of \$135,119.60, at the rate of \$40 per acre; terms of payment \$50,000 cash, balance in ten equal installments, the first installment falling due January 1, 1919; the deferred payments bearing six per cent interest payable annually.

The Masterson and the Jackson places, above referred to, adjoin and lie adjacent to the Ramsey State Farm and will henceforth properly be a part of that farm and will continue under the Ramsey Farm management, as has been the case during the past several years that the Masterson and Jackson places have been leased by the System. The original tract, designated as the Ramsey State Farm, was acquired by purchase some ten years ago. The Retrieve Farm, near the town of Angleton, Texas, is not attached to any other State Plantation and constitutes an independent farm itself.

The attached statements will show the acreage now owned and leased by the Prison System. Statement "A" gives the names and locations of the State owned properties with total acreage and acreage in cultivation;

Statement "B" gives names of leased tracts, lessors and acreage in cultivation thereon; Statement "C" gives total acreage contained in the leased tracts, rental terms and option price per acre at which the land can be bought by the State. Of a total of 70,719.39 acres owned by the State, 36,800 acres are in cultivation. The principal crops produced are cotton, sugar cane, corn and other feedstuffs, and garden truck.

The total prison population on March 1, 1918, was 3655, of the various farms of the system.

The three tracts of land recently purchased are considered by the Prison Commission to be splendid acquisitions. In 1917 the gross value of the crops produced on the Jackson place practically equalled the entire purchase price of the property; the production on the Masterson place amounted to nearly sixty per cent of the purchase price, while the gross production on the Retrieve Farm amounted in value to practically one-third of the entire purchase price of the farm. Within the next thirty days approximately \$15,000 worth of wood cut from the Ramsey Farm, including the Masterson place, will be ready for shipment. The wood has already been sold under contract for early delivery. I am accompanying this message with a letter from the Prison Commission, setting forth the reasons for and the advantages of the purchases made.

The State's policy of working prisoners only on State owned property and of utilizing the great majority of convicts in farming, especially at a time such as the present when the cry for greater production is so universal, suggests the advisability and wisdom of the Prison System making further purchases of land as soon as it may be found practicable and expedient to do so and of exercising the options it now holds to purchase large bodies of land that are being worked under lease contracts, with the end in view of the State acquiring ownership of all the farm land needed for the proper employment of the convicts assigned to that class of labor.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

"A."

Statement of Lands Owned by the Prison System on March 1, 1918, Showing Total Acreage and Acreage in Cultivation for the Year 1918.

Name of Farm.	County	Total Acreage	Acreage in Cultivation.
Harlem State Farm.....	Fort Bend	5,579	4,704
Imperial State Farm.....	Fort Bend	5,235	4,579
Ramsey State Farm*	Brazoria	15,039.99	6,704
Clemens State Farm.....	Brazoria	8,255	5,985
Eastham State Farm.....	Houston	13,040	7,220
Ferguson State Farm.....	Madison	4,320	1,700
Shaw State Farm.....	Bowie	4,610	2,460
Retrieve State Farm.....	Brazoria	7,424.4	2,400
Wynne State Farm.....	Walker	1,976	505
Goree State Farm**	Walker	1,000	544
Rusk Prison Lands***	Cherokee	4,240	—
Totals		76,719.39	36,800

*Ramsey Farm includes Masterson and Jackson Places recently purchased.

**Goree Farm is the Women's Farm.

***Rusk Prison lands will no longer be available for use by the Prison System.

"B."

Statement of Lands Leased by Prison System under Contracts in Force for Year 1918.

Name of Farm	Lessor	Acreage in Cultivation
Blue Ridge Farm.....	Bassett Blakely	7,000
Bassett Blakely Farm.....	Bassett Blakely	2,552
John D. Rogers Farm.....	John D. Rogers.....	2,730
Darrington Farm	Bassett Blakely	3,500

Small Tracts Leased, Adjoining State Farms.

Clemens State Farm:		
Caldwell Place	T. W. Caldwell.....	343
Imperial State Farm:		
Turner Place	Bassett Blakely	1,000
McLaughlin Place	Mrs. D. F. McLaughlin.....	167
Shamblin Place	Mrs. E. J. Shamblin.....	100
Harlem State Farm:		
Figure Four Ranch.....	Real F. Ransom.....	1,900
Blakely Land	Bassett Blakely	483
Fields Place	Mrs. E. J. Fields.....	200
Ramsey State Farm:		
J. H. Smith Tract.....	J. H. Sieber.....	107
J. Mort Smith Place.....	J. Mort Smith.....	100
Barnes Place	A. C. Barnes.....	190
Schwab Tract	Fred Schwab	90
Baker Tract	Mrs. J. F. Baker.....	50

Total acres lease land in cultivation.....20,502

"C."

Statement of Lands Leased by Prison System Showing Total Acreage in Tracts, Rental Terms, and Price at which State Has Option to Purchase.

Name of Tract	Total Acreage	Rental Terms	Option Price per Acre
Blue Ridge No. 1.....	5,300	25 per cent of crops.....	\$50.00
Blue Ridge No. 2.....	1,700	40 per cent of crops*.....	_____
Bassett Blakely Farm....	3,000	\$15,000 per annum or one-fourth crops produced ...	60.00
John D. Rogers Farm...	3,000	\$12 per acre or 40 per cent of cotton and 50 per cent of corn*	60.00
Darrington Farm	6,702	25 per cent of cotton and corn and 20 per cent of cane and other crops	50.00
Clemens Farm Leases:			
Turner Place	1,000	\$7.00 per acre or one-fourth crop	_____
McLaughlin Place	157	\$5.00 per acre or one-fourth crop	_____
Shamblin Place	100	\$5.00 per acre or one-fourth crop	_____
Harlem Farm Leases:			
Figure Four Rach.....	1,928	\$6.00 per acre or one-fourth crop	_____
Blakely Land	483	\$5.00 per acre or one-fourth crop	_____
Fields Place	200	\$5.00 per acre or one-fourth crop	_____
Ramsey Farm Leases:			
J. G. Smith Land.....	107	One-fifth of crop produced..	_____
J. Mort Smith Land...	100	One-fifth of crop produced..	_____
Barnes Land	209	One-fifth of crop produced..	_____
Schwab Land	152	One-fifth cotton and one-third corn	_____
Baker Land	250	\$205. per annum.....	_____
Total acres, including cultivable and non-cultivable land			
	24,731		

*Lessors Blue Ridge No. 2 and John D. Rogers Farm, in addition to mules and farming implements, furnish all planting seed and all feed for workstock.

At Darrington and Blue Ridge No. 1, lessors are obliged to furnish a requisite number of mules and guard horses. At Bassett Blakely Farm and Turner Place, lessor furnishes mules, horses and all farming implements and tools.

Board of Prison Commissioners.
Huntsville, Tex., Feb. 25, 1918.
Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.

Dear Sir: Relative to the recent purchases of land in Brazoria County made by the Prison Commission with your approval, I have thought it advisable to make this written statement to you setting forth the reasons these properties

were purchased for the prison system, most of which reasons have heretofore been stated to you by letter and in conferences had with you relative to these purchases.

In the first place, the prison law passed in 1911 provided that the Prison Commission might buy so many acres of land as would enable all prisoners hired out or worked on share or contract farms, and who

are not otherwise employed, to be employed directly on farms belonging to the prison system. This policy of the Legislature, as expressed by the statute, has also been the policy of the present Board of Prison Commissioners, practical experience having demonstrated that farming is the best form of labor in which to use the great majority of State convicts.

The three places purchased were the Retrieve Plantation, consisting of 7,424.4 acres, for a total consideration of \$320,879.60; the Masterson Plantation, containing 3,900 acres, total consideration \$136,500; the Felix Jackson place from Mr. Bassett Blakely, containing 3,377.99 acres, total consideration \$135,119.60. These three places and other farms have been leased by the system since 1911, as the system did not own a sufficient acreage for the employment of all the convicts assigned to farm labor, and the financial condition of the system in previous years does not seem to have justified any extensive purchases of land. However, the system's finances at the present time will justify such purchases, and in our opinion, it is good business for the State, as well as for an individual, to own the land it works rather than continue to rent it. The annual payments of rent to the lessor will, in any average year, more than take care of the annual payments on the purchase price, and frequently far exceed these annual installments of the purchase price. For instance, the annual payments of purchase money on the Masterson Plantation, according to the terms of the deed, will be \$8,650, whereas, in 1917, Mr. Masterson was paid in rent and the value of the crop turned over to him, amounting to \$20,530. The annual payments on the Felix Jackson place will be \$8,511.96; the rent paid for the use of this place during 1917 amounted to \$27,149. The deferred payment on the Retrieve place, amounting to \$195,000,

is payable in seven years; the amount of rent paid on this place in 1917 amounted to \$24,821.76.

From the foregoing, it is seen that the annual payments of the purchase money will be taken care of by the annual rent that would have to be paid the lessors had the State continued to lease these properties. In addition to this, as we have previously advised, there are some valuable tracts of timber and wood lands in the premises purchased, and the value of the wood and timber we expect to cut, use and sell each year will go a long way towards paying for the land, if it does not do so entirely.

With further reference to the Retrieve farm, this place is known to be one of the best cane farms in Texas, the yield in any average year being heavy and rich. It is our intention to develop the cane acreage on this farm so as to have in cultivation there within the next four or five years approximately 5,000 acres in cane. The cane will be shipped and milled at the Clemens Sugar Mill, which is only a few miles from Retrieve. This mill represents an investment around \$250,000 and is a modern and well equipped mill in every respect, and has not been run to full capacity during recent years on account of lack of cane in its vicinity. During the year 1917, the mill made a profit of \$37,000 from 1,100 acres of cane on Clemens farm, and but for a short cane crop and the overhead expense, the profits would have been greater. This increased cane acreage on Retrieve farm will enable the Clemens mill to run to full capacity and make a profit in proportion to the amount invested in the machinery, building and equipment of the mill, and the overhead expense will be no greater than in the past, when the mill has been operated only a part of the season.

Yours very truly,
(Signed)

W. G. PRYOR,
Prison Commissioner.

Financial Statement of the State Prison System at the Close of Business
February 28, 1918.

Balance on hand February 28, 1918.....\$1,293,828.36

Distributed as follows:

Union National Bank, Houston, Texas.....	\$ 67,548.68
Houston National Exchange Bank, Houston, Texas.....	48,810.59
Huntsville State Bank, Huntsville, Texas	42,513.37
State Treasurer, Austin, Texas.....	1,134,955.72

Total.....\$1,293,828.36

(Signed) JAMES P. WELSH,
Auditor Texas State Prison System.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bills:

S. B. No. 18, creating the Batson
Independent School District.

S. B. No. 21, creating the Sugar-
land Independent School District.

H. B. No. 55, creating the Lamkin
Independent School District.

H. B. No. 54, creating the Hutto
Independent School District.

H. B. No. 53, creating the Burke-
ville Independent School District.

S. B. No. 15, A bill to be entitled
"An Act to amend Article 7447,
Chapter 5, Title 126 of the Revised
Civil Statutes of Texas of 1911, so
as to hereafter provide that no li-
cense shall be granted to any dealer
in either spirituous, vinous or malt
liquors except within incorporated
cities and towns and prescribing the
distance from certain institutions
and places within which no license
for such business shall be granted.
and declaring an emergency."

H. B. No. 48, A bill to be entitled
"An Act to authorize the commis-
sioners courts of the various coun-
ties of this State to pay for the
services of interpreters employed by
the various courts in this State, and
providing for the collection in civil
suits of the sum of three dollars
(\$3) as cost of interpreter in every
civil suit where an interpreter is
used, and declaring an emergency."

S. C. R. No. 7, relating to waste
paper of House and Senate.

Adopted Free Conference Commit-

tee report on House Bill No. 9 by the
following vote: Yeas, 98; nays, 2.

Respectfully,

BOB BARKER,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem.
Decherd, had referred, after their
captions had been read, the follow-
ing House bills:

H. B. No. 53, referred to the Com-
mittee on Educational Affairs.

H. B. No. 54, referred to the Com-
mittee on Educational Affairs.

H. B. No. 55, referred to the Com-
mittee on Educational Affairs.

H. B. No. 48, referred to the Com-
mittee on Civil Jurisprudence.

Senate Bill No. 41.

Senator Hudspeth moved that the
constitutional rule requiring bills to
be read on three several days be sus-
pended and Senate Bill No. 41 put
on its second reading.

The motion prevailed by the fol-
lowing vote:

Yeas—23.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Collins.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.
Hall.	

Absent.

Buchanan of Scurry. Woodward.
Clark.

Absent—Excused.

Dayton. Parr.
Lattimore. Smith.
McCollum.

The Chair laid before the Senate on second reading:

S. B. No. 41, A bill to be entitled "An Act to amend Chapter 93 of the Acts of the Thirty-fifth Legislature, approved by the Governor March 26, 1917, and being 'An Act creating the El Paso County Court at Law, to fix and prescribe the jurisdiction of the county court of El Paso County, fixing the salaries of the judges of the county court of El Paso County, and of the El Paso County Court at Law; and declaring an emergency.'"

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 41 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Caldwell.	Johnson of Hall.
Collins.	Johnston of Harris.
Dean.	McNealus.
Decherd.	Page.
Faust.	Robbins.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.

Absent.

Bailey. Parr.
Buchanan of Scurry. Smith.
Clark. Woodward.

Absent—Excused.

Dayton. McCollum.
Lattimore.

The bill was laid before the Senate, read third time and, on mo-

tion of Senator Hudspeth, was passed by the following vote:

Yeas—22.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Collins.	Johnston of Harris.
Dean.	McNealus.
Decherd.	Page.
Faust.	Robbins.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.

Absent.

Buchanan of Scurry. Parr.
Caldwell. Smith.
Clark. Woodward.

Absent—Excused.

Dayton. McCollum.
Lattimore.

(Senator Westbrook in the chair.)

House Bill No. 30.

The Chair laid before the Senate on second reading:

H. B. No. 30, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Armstrong County, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

Senator Hall offered the following amendment which was read and adopted:

(1) Amend House Bill No. 30, by striking out the word "Brazoria County" wherever it occurs.

The bill was read second time and passed to its third reading.

On motion of Senator Johnson of Hall, the constitutional rule requir-

ing bills to be read on three several days was suspended and House Bill No. 30 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Honking.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Clark.	McNealus.
Dean.	Page.
Faust.	Robbins.
Floyd.	Strickland.
Gibson.	Sulter.
Hall.	Westbrook.
Henderson.	

Absent.

Buchanan of Scurry.	Decherd.
Caldwell.	Smith.
Collins.	Woodward.

Absent—Excused.

Dayton.	McCollum.
Lattimore.	Parr.

The bill was laid before the Senate, read third time and, on motion of Senator Johnson of Hall, was passed by the following vote:

Yeas—21.

Alderdice.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	McNealus.
Dean.	Page.
Faust.	Robbins.
Floyd.	Strickland.
Gibson.	Sulter.
Hall.	Westbrook.
Henderson.	

Absent.

Bailey.	Parr.
Buchanan of Scurry.	Smith.
Collins.	Woodward.
Decherd.	

Absent—Excused.

Dayton.	McCollum.
Lattimore.	

House Bill No. 57.

The Chair laid before the Senate on second reading:

H. B. No. 57, A bill to be entitled

"An Act authorizing the commissioners court of Anderson County, Texas to cancel all previous orders of said court authorizing the issuance of road bonds under the provisions of Chapter 2, Title 18, etc., and declaring an emergency."

The Senate rule requiring committee report to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Strickland, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 57 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	McNealus.
Dean.	Page.
Faust.	Robbins.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	

Absent.

Buchanan of Scurry.	Smith.
Collins.	Sulter.
Decherd.	Woodward.
Parr.	

Absent—Excused.

Dayton.	McCollum.
Lattimore.	

The bill was laid before the Senate, read third time and, on motion of Senator Strickland, was passed by the following vote:

Yeas—21.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Caldwell.	Johnston of Harris.
Clark.	McNealus.
Dean.	Page.
Faust.	Robbins.
Floyd.	Strickland.
Gibson.	Westbrook.
Hall.	

Absent.

Buchanan of Scurry. Smith.
Collins. Suiter.
Decherd. Woodward.
Parr.

Absent—Excused.

Dayton. McCollum.
Lattimore.

Adjournment.

Senator Westbrook at 4:25 o'clock p. m. moved to adjourn until 10 o'clock tomorrow morning.

The motion prevailed and the Senate stood adjourned.

APPENDIX.

Petitions and Memorials.

Senators Hall, Johnston of Harris, Dean, Bailey, Bee, Westbrook, Johnson of Hall and Clark, each presented petitions from citizens of their respective districts opposing amendment to election laws of the state.

Senator Clark offered a memorial, opposing a bill to prohibit the teaching of German in public schools.

Senator McNealus offered a letter from M. Dunlap, of Mission, Texas, who favors prohibition of wine for sacramental purposes.

Senators Johnson of Hall, Hall and Decherd each presented telegrams favoring a drastic Statewide prohibition bill.

Senator McNealus offered a telegram from Mesquite, Texas, asking that action on telephone bill be deferred until telephone companies can be heard.

Engrossing Committee Report.

Committee Room.

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 24 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred

H. B. No. 38, A bill to be entitled "An Act creating and incorporating the Brownfield Independent School District, in Terry County, Texas and defining the boundaries thereof, providing for a board of trustees thereof, and defining their powers and authority, authorizing said board to levy, assess, and collect taxes for maintenance and building purposes and to issue bonds therefor; providing for an assessor and collector of taxes thereof, and providing for a board of equalization of said school district, providing for an election of trustees thereof, and providing for an emergency,"

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Lattimore, Vice Chairman; Gibson, Dayton, Robbins, Floyd, Decherd, Page, Johnson of Hall, Buchanan of Scurry.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 28, A bill to be entitled "An Act creating a court to be styled the Commission of Appeals of the State of Texas, to consist of six persons, learned in the law, to be appointed by the Governor by and with the advice of the Senate, which shall sit in two sections, known as Section A, and Section B, each section consisting of three members, and who shall hold their offices for two years, and receive for their services a salary of \$5,000.00 each per annum, and providing that parties to any causes now or hereafter pending in the Supreme Court may consent, in writing, for the action of the Commission thereon and the certifica-

tion of such action, and, providing that the Supreme Court shall have power and authority to refer to said Commission of Appeals any cases now or hereafter pending before said Court for examination and report thereon; and making it the duty of the Supreme Court in certain circumstances to refer cases to said Commission of Appeals; providing for the consideration of all such cases by the Commission of Appeals and for report thereon; for the adoption of such report by the Supreme Court; and providing the effect that shall be given to such reports, when adopted by the Supreme Court; providing for costs that shall accrue in cases referred to said Commission of Appeals; providing for the appointment of a clerk and stenographer for said Commission of Appeals and fixing their compensation; providing for a seal for said Commission of Appeals; defining the powers and authority of said Commission, and declaring an emergency."

Have had the same under consideration, and I am directed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs to whom was referred

H. B. No. 40, A bill to be entitled "An Act adding to and making a part of the Port Lavaca Independent School District in Calhoun County, Texas, including the town of Port Lavaca, certain lands and territory adjoining thereto; and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

Committee Room.

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Labor, to whom was referred

S. B. No. 39, A bill to be entitled "An Act for the protection of the health, safety and comfort of employes in factories, mills, workshops mercantile establishments, laundries or other establishments where women are employed, providing for proper temperature and ventilation for the protection of the health of employes, requiring the removal of gas, effluvia or odors from places where employes are required to work and means to allay dust injurious to the health of persons employed, prohibiting decomposed or putrescent matter or refuse of any kind to be allowed to remain in or around such place of employment; providing for cleaning, sweeping and dusting outside of working hours, requiring doors used by employes as entrances or exits to open outward, prescribing the number of water closets, earth closets or privies to be supplied and requiring separate closets or privies for males and females, requiring such closets or privies to be kept clean and effectively disinfected and ventilated, authorizing the Commissioner of Labor Statistics or any of his deputies or inspectors to enter any factory, mill or workshop, mercantile establishment, laundry or other establishment for making inspection and enforcing the provision of this Act, authorizing the said Commissioner, his deputies or inspectors to issue an order for the correction of unsanitary or immoral conditions or neglect to remove fumes and gases injurious to employes where females are employed; in case of failure or refusal on the part of the owner, superintendent, manager or other person in control or management of such establishment giving the Commissioner of Labor Statistics, his deputies or inspectors power to close such establishment or any part of it until such time as said orders are complied with, providing how such powers may be exercised and providing a method for testing the validity, etc., of such orders, fixing penalties for violation of provisions of the Act, and declaring an emergency."

Have had the same under consideration and beg to report same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 11, 1918.
Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Roads,
Bridges and Ferries, to whom was
referred

H. B. No. 57, A bill to be entitled
"An Act to authorize and empower
the commissioners court of Ander-
son County to cancel and revoke all
previous orders of said court author-
izing the issuance of road bonds un-
der the provisions of Chapter 2,
Title 18, of the Revised Civil Stat-
utes of Texas, etc., and declaring an
emergency,"

Have had the same under consid-
eration and beg leave to report the
same back to the Senate with the re-
commendation that it do pass and be
not printed.

Caldwell, Chairman; Bee, Gibson,
Strickland, Clark, Smith, Floyd,
Buchanan of Scurry.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 11, 1918.
Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Judicial
Districts, to whom was referred

S. B. No. 41, A bill to be entitled
"An Act to amend Chapter 93, of
the Acts of the Thirty-fifth Legisla-
ture, an Act creating the El Paso
County Court at Law, fixing and
prescribing the jurisdiction thereof,
etc., which amendmend is to restore
to the County Court at Law of El
Paso County concurrent jurisdiction
of criminal cases and all causes re-
lating to criminal matters and pro-
viding for the transfer of criminal
causes from the County Court at
Law of El Paso County, Texas to the
County Court of El Paso County, and
vice versa; also providing and au-
thorizing the judge of the County
Court at Law of El Paso County,
Texas, to appoint an official short-
hand reporter for the El Paso
County Court at Law, and providing
for the compensation of the judge of
the County Court at Law of El Paso
County, Texas, and declaring an
emergency,"

Have had the same under consid-
eration and beg leave to report it
back to the Senate with the recom-

mendation that it do pass and be
not printed.

Buchanan of Scurry, Chairman;
Henderson, Hall, Johnston of Har-
ris, Dean, Suiter.

(Floor Report.)

Senate Chamber,
Austin, Texas, March 11, 1918.
Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Stock
and Stock Raising to whom was re-
ferred

H. B. No. 30, A bill to be entitled
"An Act to amend Article 7235,
Chapter 6, Title 124, Revised Civil
Statutes of Texas, 1911, as amended
by Chapter 72, General Laws of the
Thirty-third Legislature, and Chap-
ters 26 and 99, General Laws of
Thirty-fourth Legislature, and Chap-
ter 131 General Laws of Thirty-
fifth Legislature with reference to
the mode of preventing horses and
certain other animals from running
at large in the counties named, so as
to include Armstrong County, Dick-
ens County and Brazoria County, and
declaring an emergency,"

Have had the same under consid-
eration and beg leave to report the
same back to the Senate with the re-
commendation that it do pass and be
not printed.

Clark, Hudspeth, Johnson of Hall,
Buchanan of Bell, Dean.

Committee Room.

Austin, Texas, March 11, 1918.
Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: Your Committee on Criminal
Jurisprudence, to whom was re-
ferred

H. B. No. 8, A bill to be entitled
"An Act prohibiting the manufac-
ture, sale, barter, or exchange of
spirituous, vinous, or malt liquor, or
liquors of any character capable of
producing intoxication, within this
State on and after the taking effect
of this Act, except for medicinal, me-
chanical, scientific or sacramental
purposes; prohibiting the use of pre-
mises, devices, and aids in the man-
ufacture, sale, barter, or exchange
of such liquors; providing penalties
for violations of this Act, etc., and
declaring an emergency,"

Have had the same under consid-
eration, and beg leave to report the

same back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room.

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Finance to whom was referred

S. B. No. 29, A bill to be entitled "An Act fixing the salary of the Adjutant General and making an appropriation, etc., and declaring an emergency,"

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass with the following committee amendments.

Committee Amendment No. 1.

Strike out all of Section 1, and insert in lieu thereof the following:

Section 1. "That from and after the 1st day of April, 1918, the Adjutant General of the State of Texas shall receive an annual salary of three thousand six hundred (\$3,600.00) dollars."

Committee Amendment No. 2.

Strike out all of Section 2, and insert in lieu thereof the following:

Section 2. "That the following sums of money are or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated for paying salary of the Adjutant General.

"For the months April to August inclusive of the fiscal year ending August 31, 1918, \$1,500.00.

"For the fiscal year ending August 31, 1919, \$3,600.00."

Committee Amendment No. 3.

Strike out of the caption of the bill the figures "\$7,200.00" and insert in lieu thereof the figures \$5,100.00."

CALDWELL, Vice Chairman.

Committee Room.

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Criminal Jurisprudence, to whom was re-

H. B. No. 26, A bill to be entitled "An Act to amend Chapter 67, of the Acts of the Regular Session of the Thirty-third Legislature as amended by Chapter 31, of the Acts of the First Called Session of the Thirty-third Legislature, regulating the

shipment and sale of intoxicating liquors; this Act being to amend the aforesaid Act of the Legislature so that Sections 2, 3, 4 and 5 of said Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature shall be divided into seven sections, to be known in said Chapter as Sections 2, 3, 4, 5, 5a, 5b, and 5c, and also by amending Section 9, of said Chapter 31, so that said Sections as thus divided and amended shall read, in substance, that, except as otherwise provided, it shall be unlawful for any person to possess intoxicating liquors for personal use, sale, or any other purpose, or receive from a common carrier or any person, firm or corporation or any officer, agent, or employe thereof in any place where sale of intoxicating liquors is prohibited; making this provision apply to interstate as well as intrastate shipments and carriers, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

PAGE, Chairman.

Committee Room.

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 32, A bill to be entitled "An Act to amend Article 921, Chapter 5, Title 22, of the Revised Civil Statutes of Texas relating to appeals from the corporation courts and adding thereto Article 921a providing that in cities of ninety thousand population or over, incorporated under special charters and situated in counties containing one hundred and twenty-five thousand population or over for appeals from the corporation courts to the Court of Criminal Appeals of Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, but be printed in the Journal.

BAILEY, Chairman.

S. B. No. 32.

By McNealus.

A BILL
To be entitled

An Act to amend Article 921, Chapter 5, Title 22, of the Revised Civil Statutes of Texas relating to appeals from the corporation courts and adding thereto Article 921a, providing that in cities of ninety thousand population or over incorporated under special charters and situated in counties containing one hundred and twenty-five thousand population or over for appeals from the corporation courts to the Court of Criminal Appeals of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 921, Chapter 5, Title 22, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 921. "Appeals from judgments rendered by such corporation courts shall be heard by the county court, except in cases where the county courts have no jurisdiction, in which counties such appeals shall be heard by the district court of such counties, unless in such county there is a criminal district court, in which case the appeal shall be from the corporation courts to the said criminal district court; except such cases where convictions are had in the corporation courts of any city in Texas containing a population of ninety thousand or over, incorporated under a special charter granted such city by the Legislature of the State of Texas, or under the laws of the State of Texas, and situated in any county in Texas containing a population of one hundred and twenty-five thousand, as provided for in the next succeeding article; and in all such appeals to such county court, or criminal district court, the trial shall be de novo, the same as if the prosecution had been originally commenced in that court. Said appeal shall be governed by the rules and procedure for appeals from justice courts to the county court, as far as the same may be applicable."

Section 2. That there be and is here now added to Chapter 5, Title 22, of the Revised Civil Statutes of

the State of Texas, Article 921a, as follows:

Article 921a. "From every conviction had in the corporation courts of any city in Texas containing a population of ninety thousand or over, incorporated under special charter granted said city by the Legislature, or under the laws of Texas, and situated in any county in Texas containing a population of one hundred and twenty-five thousand or over, as evidenced by the last official census of the United States, there shall be a right of appeal, whether such conviction be had under a prosecution for a violation of an ordinance of the said city or a law of the State, but such right of appeal shall lie only to the Court of Criminal Appeals of Texas, and all such appeals shall, accordingly be returnable to the Court of Criminal Appeals of Texas, and not otherwise, and the procedure on appeals from the said corporation court shall in all regards, or as far as practicable, be governed by the laws of the State of Texas, regulating appeals from the County Courts to the Court of Criminal Appeals, except that the appeal bond, on such appeals shall be payable to the State of Texas, for the use and benefit of the said city in which such corporation court is situated and from which said appeal is presented, and shall contain a recital of such provisions, and every forfeiture, penalty or recovery thereon shall, accordingly be paid in to the Treasury of said city, and the jurisdiction of the county courts and county courts at law of the State of Texas are conformed hereto."

(Floor Report.)

Senate Chamber,

Austin, Texas, March 11, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

S. B. No. 27, A bill to be entitled "An Act to permit railroad corporation, by and with the permission of the Railroad Commission of Texas, and the county commissioners court of the county wherein located, to change, relocate, or abandon any portion of its line without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or

more according to the United States census of 1910, and to permit such railroad corporation to change, relocate or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the city council or board of aldermen of such city; and to require such railroad corporation to make such change, relocation or abandonment upon the order of such Railroad Commission, upon the application of such city council or board of aldermen, and providing for the exercise of the right of eminent domain to acquire right of way and depot grounds when lines are changed or relocated, and validating such changes, relocations or abandonments when heretofore authorized by the Railroad Commission of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

Johnson of Hall, Chairman; Johnston of Harris, Faust, Bailey, Hall, McNealus, Henderson, Clark, Westbrook, Gibson.

By Johnston of Harris S. B. No. 27

A BILL
To be entitled

An Act to permit railroad corporations, by and with the permission of the Railroad Commission of Texas and county commissioners court of the county wherein located, to change, relocate or abandon any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910, and to permit such railroad corporation to change, relocate or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the city council or board of aldermen of such city; and to require such railroad corporation to make such change, re-

location or abandonment upon the order of such Railroad Commission, upon the application of such city council or board of aldermen; and providing for the exercise of the right of eminent domain to acquire right of way and depot grounds when lines are changed or relocated, and validating such changes, relocations or abandonments when heretofore authorized by the Railroad Commission of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That when any railroad corporation in this State desires to abandon, change or relocate any portion of its line or railroad within this State adjacent to but not within any incorporated city of 50,000 or more inhabitants of this State according to the United States census of 1910, it shall present a petition therefor to the Railroad Commission of Texas showing that portion of its line sought to be changed, relocated or abandoned and the situation of the new or relocated line, with the reasons justifying the same; thereupon the Railroad Commission of Texas shall set said application for hearing and give public notice thereof of not less than ten days in the locality where such change is desired by publishing notice in a newspaper of general circulation published nearest thereto, setting out substantially what such contemplated change may be; and if after such hearing the Railroad Commission of Texas shall be of opinion that it is to the public interest to permit such change, relocation or abandonment of said line, it shall enter its order approving same and thereupon said railroad corporation shall be empowered to make such change, relocation or abandonment; provided that nothing contained herein shall be construed to authorize the Railroad Commission of Texas to permit any railroad corporation to abandon such substantial part of its line as shall amount to impairment of its charter contract or deprive any city or town of railroad facilities. Provided that the Railroad Commission of Texas shall not exercise the power herein granted unless and until said railroad cor-

poration shall have obtained the permission of the county commissioners court of the county for such change, relocation or abandonment, which permission shall be evidenced by the duly authenticated order of such court which shall accompany the petition of such railroad corporation to the Railroad Commission of Texas.

Sec. 2. That when any railroad corporation of the State desires to change, relocate or abandon any part of its line within any incorporated city containing 50,000 or more inhabitants according to the United States census of 1910, it shall present its petition therefor to the city council or board of aldermen of such city, showing the reasons therefor and the part of the line sought to be changed, relocated or abandoned, the new location, or arrangements proposed for operation; whereupon such city council or board of aldermen, if of opinion that the same is for the public interest, shall enter its order permitting such change, relocation or abandonment of said line. That thereupon said railroad corporation shall present its petition to the Railroad Commission of Texas praying for authority to make such change, relocation or abandonment with a description of that portion of its lines sought to be changed, relocated or abandoned, together with a description of the changed or relocated line, or arrangement for the new operation, which petition shall be accompanied by the order of the city council or board of aldermen of the city as aforesaid approving same; whereupon the Railroad Commission of Texas shall set down such application for public hearing upon not less than ten days notice, and if upon such hearing the Railroad Commission of Texas shall be of opinion that the public interest will be conserved by the granting of such petition, it shall enter its order to that effect and thereupon said railroad corporation shall have full power to make such change, relocation or abandonment of its line.

Sec. 3. When any railroad corporation shall have been empowered under the provisions of the two preceding sections of this Act to change or relocate its line of railroad in this State, it shall have the same powers of condemnation for the acquisition of right away and depot grounds as

are conferred under the laws of this State in the case of the original construction of its lines.

Sec. 4. All changes, relocations and abandonments of parts of their lines by railroad corporations, in or adjacent to any city having a population according to the United States census of 1910 of 50,000 inhabitants or over, heretofore made with the permission of the Railroad Commission of Texas or authorized by its written order, are hereby validated and made legal as fully as if made under the provisions of this Act, and such permission or written order of the Railroad Commission of this State shall be full power and authority to a railroad corporation to make such change, relocation or abandonment of parts of its line; providing that this Act shall not affect any right or rights for damages that any person, firm or corporation may now have, may have had or may have in the future for damages caused by such removal, change or abandonment.

Sec. 5. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. Whenever the governing body of any city containing 50,000 inhabitants or more shall present to the Railroad Commission of this State its application for any change or relocation of any tracks of any railroad corporation in such a way as to better serve the public interest, said Railroad Commission shall set down such application for a hearing after giving ten days notice to such railroad corporation whose tracks are sought to be changed or relocated, and after such a hearing, may make its order directing such change or relocation if in the opinion of the Railroad Commission such change or relocation would be to the best interest of all parties concerned.

Sec. 7. The near approach of the end of the present session and the fact that the rapidly expanding growth of many of our large cities of this State make it necessary and desirable for the public benefit and the public safety to change, relocate and abandon portions of the lines and tracks of railroad corporations within such cities and adjacent thereto, and the fact that some doubt has arisen as to the authority of the Railroad Commission of this State to

permit such changes, relocations and abandonments, creates an imperative public necessity and an emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended. And it is further enacted that this law take effect from and after its passage.

TWELFTH DAY.

Senate Chamber,
Austin, Texas.

Tuesday, March 12, 1918.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

By unanimous consent and on request of Senator Westbrook, the Senate stood at ease for fifteen minutes, at the expiration of which time, the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.

Absent.

Woodward.

Absent—Excused.

Dayton. McCollum.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

Petitions and Memorials

The Chair laid before the Senate a communication from the Commissioner of Agriculture, relating to certain matters of loyalty.

On motion of Senator Page, the communication was laid on the table subject to call.

Committee Reports.

See Appendix.

Bills and Resolutions.

There were none at this time.

Executive Session Postponed.

The hour, 11 o'clock a. m., for executive session having arrived, Senator McNealus moved that the executive session be postponed for thirty minutes. The motion prevailed.

Messages from the Governor.

Mr. S. Raymond Brooks, from the executive office here appeared at the bar of the Senate with the following messages, which were laid before the Senate:

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Pursuant to the recommendation of the joint Legislative Investigating Committee, and at the request of Hon. George B. Terrell of Cherokee County, I submit for your consideration the following subject:

"An Act to provide for the sale and transfer to the United States of all property owned by the State of Texas situated on the gulf coast of Texas and on the Mexican border of Texas along the Rio Grande river and used by the State Quarantine Service, providing for a commission to negotiate the sale of said property to the proper authorities of the United States, providing that the expenses of said commission shall be paid out of the expense funds of their respective departments, authorizing the Governor to execute the deeds and convey the property to the United States, providing that the position and employment of officers and employes in charge and using such property so conveyed shall terminate, providing for the payment into the State Treasury to the general revenue of all money realized from the sale of such properties and filing of statements in the office of the Comptroller of Public Accounts."

I also submit for your information